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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/247,222 02/10/99 SINCLAIR

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CHARLOTTE NC 28282

EXAMINER

HESS, R

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

04/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/247,222

Applicant(s)

SINCLAIR, DAVID A.

Examiner

Richard W. Hess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____

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DETAILED ACTION

1. Claims 1 and 11 have been modified per the amendment dated March 7, 2000. Claims 2–10 and 12–20 depend on claims 1 and 11 respectively and remain unchanged from the originally filed claims.
2. Claims 1–20 have been examined.

Drawings

3. The applicant is required to submit a proposed drawing correction in reply to drawing objections indicated in the previous Office action. However, formal correction of the noted defects can be deferred until the application is allowed by the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al, US Patent No. 5,878,403, Tengel et al, US Patent No. 5,940,812 and Anderson et al, US Patent No. 5,774,883 as applied to claims 1-20 of the previous Office Action, and further in view of "Department Store Reconfigures Credit Decision Process", CREDIT RISK MANAGEMENT REPORT, Volume 2, No. 20, September 28, 1992 and Lang et al, US Patent No. 5,867,799.

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As per claims 1 and 11 as amended, the applicant describes the claimed filter means further by adding the phrase "and filtering the passage of applicant data through the system to the lender". In order to understand the significance of this additional phrase, it is important to not only understand what the term "filtering" actually means, but also when the filtering process actually occurs on the loan application data.

According to the specification, the applicant states that once the lending institution creates the desired model profile of the ideal loan seeker and submits that profile, the system electronically compares all available loan seeker profiles with the model profile and filters out those loan seeker profiles that do not match the model profile. The remaining "desirable" loan seeker profiles are then made available to the finance institution for further processing (page 14 of the specification, lines 18–22). The applicant goes on to give examples of the data fields that make up a financial institution filter by listing whether the vehicle is new or not and the loan seeker's credit score value, length of employment, gross monthly income and number of consecutive years of residence at a particular location (page 14 of the specification, lines 6–14). So the filtering process, as explained in the specification and best understood by the examiner, is a data searching, matching or screening process that matches data fields in the loan seeker's application data stream with the data fields in the model profile submitted by the financial institution. The data searching, matching, screening or filtering process finds those applications that have the data field values that fit the requirements set by the financial institution.

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Now Anderson et al teaches using a financial source filter where the financial institution creates a criteria or profile for an ideal job seeker for each loan package. Anderson et al teaches further that the ideal loan seeker profile is based upon whether the vehicle is new or used (column 26, lines 1–3 and column 11, line 11) and on the job seeker's credit score (column 25, lines 36–42), length of employment (column 26, lines 59–60), gross monthly income (column 26, line 10) and the number of consecutive years of residence at a particular location (column 26, lines 59–60). Anderson et al also teaches that the filtering process used in his system is a data searching, matching or screening process that matches data fields in the loan seeker's application data stream with the model profile submitted by the financial institution (Figures 13 a–e). It would, therefore, have been obvious to a person of ordinary skill in the art at the time of the invention to conclude that the teachings of Anderson et al included a process for filtering the job seeker's loan application data as claimed by the applicant. It is obvious because Anderson et al uses some of the same loan seeker application data items to determine whether a loan seeker's application profile matches the lender's model loan seeker profile in the filtering or matching process.

Concerning when and how the filtering process takes place on the loan seeker data stream, Anderson et al teaches, in an alternate embodiment, that his system extracts (or filters out) data from the loan seekers loan application and sends this extracted (filtered) data to a financial source clearinghouse (column 6, lines 36–48). The clearinghouse selects the appropriate lenders based upon the model profile

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submitted by the various participating lenders and sends the loan seeker data to those lenders. It would have been obvious to a person of ordinary skill in the art at the time of the invention to conclude that the teachings of Anderson et al included the filtering of the loan seeker's application data prior to presenting the loan seeker's data to the financial institution because the filtering or extraction takes place before the extracted data is sent to the lender.

The phrase added to Claims 1 and 11 states that the data is filtered during the passage of the data to the lender. This suggests an active filtering process that occurs after the data has left the dealer, but before it reaches the lender. This filtering process would act as a prescreening of the data before it is transmitted and viewed by the lender. Anderson et al does not explicitly disclose that his filtering process is a active filtering process that prescreens the loan seeker's application data prior to presenting it to the lender. However, the article "Department Store Reconfigures Credit Decision Process" teaches that the automated credit application processing system (ALCAPS) from American Management Systems Inc. performs a series of prescreens and weeds out applications that fail to meet minimum credit criteria (page 1, paragraph 5). Also, Lang et al discloses a system for the active filtering of data from a data stream based upon a profile chosen by the user (column 8, lines 13-18). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Anderson et al with the active prescreening process taught by "Department Store Reconfigures Credit Decision Process" and Lang et al to get the application as claimed.

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The obvious advantage would be that the agent for the financial institution would be able to review auto loan applications as they are submitted to the member financial institutions. A fast review and quick feedback to the loan seeker would also give the financial institution a competitive advantage by being the first to offer a loan package to a loan seeker.

The rest of the limitations in Claims 1 and 11 are unchanged from the limitations rejected in the previous Office Action dated January 20, 2000, so the same rejections put forth in that Office Action apply to the rejection of the rest of the limitations contained in the amended Claims 1 and 11.

Since claims 2–10 and claims 11–20 were unchanged from previous Office Action dated January 20, 2000, the same rejections put forth in that Office Action apply.

Response to Amendment

The examiner certainly appreciates the time and effort that the inventor, Mr. David Sinclair, and the attorney of record, Mr. Jeffrey Schwartz, took to come to the Patent and Trademark Office to conduct a personal interview with the examiner and SPE, James Trammell, on March 2, 2000. In that interview and the Amendment dated March 7, 2000, the applicant explained the invention in detail and clarified the operation of the filter means in the claimed invention.

In his amendment, the applicant argues that the claimed filter means "operates to filter the passage of the applicant data through the system to the lender" and that this

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filtering takes place prior to any loan package information being distributed from the lender to the dealer (Amendment, page 5, paragraph 3). During the interview the applicant stated further that the filter was a "dynamic" (or active) filtering means that required the online participation of a lender agent to access the filtered loan application data and to pre-screen the data before transmitting a loan offer to the dealer or to the loan seeker. The applicant also argues that in Anderson et al, the lender's loan package information is entered into the system "before any filtering takes place" while the claimed invention determines the loan package information distribution by lenders "only after filtering has occurred" (Amendment, page 7, paragraph 2). These points are deemed moot due to the additional references cited in the rejection of the amended Claims 1 and 11 above.

In the Interview and in his amendment, the applicant also states that the claimed dynamic filter means is a data filter that prescreens the loan seeker's application data stream prior to any review by an agent for the financial institution. Again this point is deemed to be moot in light of the additional references cited in the rejection of the amended Claims 1 and 11 above.

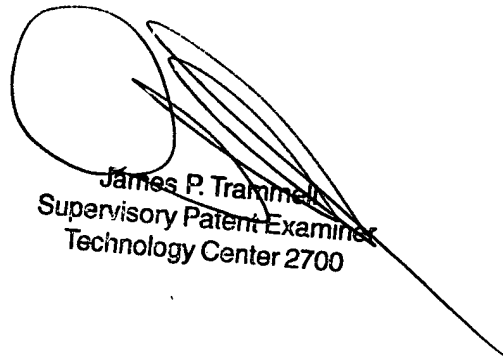
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard W. Hess whose telephone number is (703) 308-6287. The examiner can normally be reached on M-F (7:00-4:30) First Friday Off.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-5357 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



James P. Trammell
Supervisory Patent Examiner
Technology Center 2700



Richard W. Hess
April 12, 2000